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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,672	04/22/2004	Stephen Gibson	RNZ-30	6827
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DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			PARSLEY, DAVID J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/829,672	Applicant(s) GIBSON ET AL.	
	Examiner David J. Parsley	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-22-04, 5-17-05</u> | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

Drawings

1. The drawings are objected to because there are no reference numerals in any of the drawing figures corresponding to the components of the invention as described in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

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2. Claim 2 is objected to because of the following informalities: the limitation of "...the plate is carried by the pair of rails..." is duplicated from the limitations in lines 7-8 of claim 1 and therefore this limitation fails to further limit the claimed invention. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 4 of claim 3, it is unclear to whether the retaining members of the engagement members are to be T-shaped in that there is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,523,403 to Ivy et al.

Referring to claim 1, Ivy et al. discloses a display and storage rack for displaying and storing fishing equipment comprising, an elongated frame – at 10-16, having a pair of substantially parallel rails – at 11, oppositely disposed to one another – see for example figure 1, each of the rails located on a side of the frame – see for example figure 1, the frame having a base – at 16, located on one end – see for example figure 1, the base contiguous with the rails – see for example figure 1, the base configured for contact with a surface and configured for providing at least partial support to the frame when the frame is stood in an upright position – see for example figure 1, and a plate – at 27, configured for retaining fishing equipment – at 24-25, thereon – see for example figure 1, the plate is carried by the pair of rails – see for example figure 1.

Referring to claim 2, Ivy et al. discloses the frame includes a handle – at 26, located on an opposite end of the frame from the base – see for example figure 1, and wherein the rails are located between both the base and the handle – see for example figure 1, and wherein the plate – at 27, is carried by the pair of rails – see for example figure 1.

Referring to claim 3, Ivy et al. discloses the plate has a pair of T-shaped engagement members located on opposite ends thereof – see the rivets connecting the plate – at 27 to the hinge – at 28 and the frame – at 11 as seen in figure 5 where the rivets are shown being T-shaped, located on opposite ends thereof – see for example figures 1 and 5, and each of the T-shaped engagement members has at least one retaining member located thereon – see for example the enlarged end of the rivets in figure 5, and wherein each of the rails defines a slot –

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see the openings in which the rivets are placed in figure 5, and wherein the T-shaped retaining members are located in the slots – see figure 5, and are slideably positioned along the slots – see figure 5, where during the riveting process the rivets are slid into the slots to be positioned for proper fastening, and wherein the retaining members – at the enlarged ends of the rivets, frictionally engage the rails – at 11, in order to hold the plate – at 27, at a selected position – see for example figure 5.

Referring to claim 4, Ivy et al. discloses a support leg – at 13, rotatably attached to the frame – at 12, for use in stabilizing the frame when the frame is stood independently in an upright position – see for example figure 1.

Referring to claim 5, Ivy et al. discloses the plate – at 27, defines a plurality of apertures – see at 29-31 and openings for the rivets connecting items 28 and 32-34 to the plate as seen in figures 1 and 5.

Referring to claim 6, Ivy et al. discloses the apertures are holes and slots – see the slots at 29-31 and the holes/slots used with the rivets as seen in figures 1 and 5.

Referring to claim 7, Ivy et al. discloses the frame defines at least one mounting aperture – at 54, for use in mounting the frame onto a surface – see for example figure 2 and column 2 lines 65-68.

Referring to claim 8, Ivy et al. discloses the plate is configured for being selectively positioned along the length of the frame – see at 28 in figures 1 and 5, where the plate – at 27 is hinged to the frame – at 11 and therefore selectively movable/positioned along the length of the frame – at 11.

Claims 1, 8-10, 12 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,696,122 to Van Der Zyl.

Referring to claim 1, Van Der Zyl discloses a display and storage rack for displaying and storing fishing equipment comprising, an elongated frame – at 10, having a pair of substantially parallel rails – at 11, oppositely disposed to one another – see figure 1, each of the rails located on a side of the frame – see figure 1, the frame having a base – at 12, located at one end – see figure 1, the base contiguous with the rails – see figure 1, the base configured for contact with a surface and configured for providing at least partial support to the frame when the frame is stood in an upright position – see figure 1, and a plate – at 31, configured for retaining fishing equipment – at 19, thereon – see figure 4, the plate is carried by the pair of rails – see figure 1.

Referring to claim 8, Van Der Zyl discloses the plate – at 31, is configured for being selectively positioned along the length of the frame – see at 36 in figure 1 and column 3 lines 48-55.

Referring to claim 9, Van Der Zyl discloses the plate – at 31, has at least one retaining member – at 36, located thereon that frictionally retains the plate at a selected position on the frame – at 11 – see for example figure 1 and column 3 lines 48-55.

Referring to claim 10, Van Der Zyl discloses a display and storage rack for displaying and storing fishing equipment comprising, an elongated frame – at 10, having a base – at 12, on one end of the frame and a handle – at 27, on an opposite end of the frame, the frame having a pair of elongated linear rails – at 11, located between the base and the handle – see figure 1, and wherein each rail is connected on either end of the rail to the base and the handle – see figure 1, and at least one plate – at 31, in sliding engagement with the pair of rails – at 11 – see figure 1

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and column 3 lines 48-55, the plate is configured to be moved along the length of the linear rails and be retained at a selected position on the rails – see for example figure 1 and column 3 lines 48-55, the plate is configured for retaining fishing equipment – at 19, thereon – see figure 4.

Referring to claim 12, Van Der Zyl discloses a rod clip – at 32-35, attached to the handle – via items 11 as seen in figure 1, and a fishing rod – at 19, retained on the frame – see figure 4, the fishing rod is disposed in a compartment defined by the base – see at 17-18 in figures 1 and 4, and is also disposed in the rod clip – see figure 4, wherein the fishing rod is retained on the frame by the rod clip and compartment – see figure 4.

Referring to claim 15, Van Der Zyl discloses the plate defines a plurality of holes and slots – at 35-36 – see for example figure 8.

Referring to claim 16, Van Der Zyl discloses the handle – at 27, defines a mounting aperture – at 39, for use in mounting the frame onto a surface – see at 40-44 in figures 1 and 5.

Referring to claim 17, Van Der Zyl discloses the plate has at least one retaining member – at 36, located thereon that frictionally retains the plate at a selected position on the rails – at 11 – see for example figure 1 and column 3 lines 48-55.

Referring to claim 18, Van Der Zyl discloses a display and storage rack for displaying and storing fishing equipment comprising, an elongated frame – at 10, having a base – at 12, located on one end and a handle – at 27 located on an opposite end of the frame – see for example figure 1, the frame having a pair of elongated linear rails – at 11, located between the base and the handle – see figure 1, and wherein each rail is connected on either end of the rail to the base and the handle – see for example figure 1 and three plates – at 26,31,31, in sliding engagement with the pair of rails – see at 15 and 36 in figure 1 and column 3 lines 22-30 and

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column 3 lines 48-55, each of the plates define a plurality of apertures – see at 15 and – at 35,36 in figures 1, 6, 8, the plates are configured to be moved along the length of the linear rails – see for example column 3 lines 22-30 and column 3 lines 48-55, the plates are configured for retaining fishing equipment – at 19 thereon – see for example figure 4, each plate has at least one retaining member – at 15 and 36, located thereon that frictionally retains the plate at a selected position on the rails – see for example figure 1 and column 3 lines 22-30 and column 3 lines 48-55.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Zyl as applied to claim 10 above, and further in view of U.S. Patent No. 5,159,777 to Gonzalez. Van Der Zyl further discloses three plates – at 31,31,26,17. Van Der Zyl does not disclose at least one of the plates carries a basket. Gonzalez does disclose three plates – at 23-26, 31-34, 35, 16, and at least one of the plates carries a basket – at 30 – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Van Der Zyl and add the plates carrying a basket of Gonzalez, so as to allow for the device to be capable of housing various fishing equipment for use by a fisherman.

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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Zyl as applied to claim 10 above, and further in view of U.S. Patent No. 5,873,192 to Chiu. Van Der Zyl disclose the plates – at 31 with engagement members – at 36 located on opposite ends thereof – see for example figure 1, that are in sliding engagement with the rails – at 11 – see for example figure 1 and column 3 lines 48-55. Van Der Zyl does not disclose a pair of T-shaped engagement members having at least one retaining member located thereon, and wherein each of the rails defines a slot, and wherein the T-shaped retaining members are located in the slots to effect sliding engagement between the plate and the pair of rails, and wherein the retaining members frictionally engage the rails in order to hold the plate at a selected position. Chiu does disclose a pair of T-shaped engagement members – see the bolts proximate 18 in figure 2, having at least one retaining member – the nut at 18, located thereon – see figure 2, and wherein each of the rails – at 15, defines a slot – see figure 2, and wherein the T-shaped retaining members are located in the slots to effect sliding engagement between the plate-like element – at 17, and the pair of rails, and wherein the retaining members frictionally engage the rails in order to hold the plate-like element at a selected position – see for example figures 1-2 and column 2 lines 9-19. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Van Der Zyl and add the engagement members of Chiu, so as to allow for the plate to be securely held to the rails during movement of the plate.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Zyl as applied to claim 10 above, and further in view of Ivy et al. Van Der Zyl does not disclose a support leg rotatably attached to the base for use in stabilizing the frame when the frame is stood independently in an upright position. Ivy et al. does disclose a support leg – at 13, rotatably

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attached to the base – at 16 – see at 12 in figure 1, for use in stabilizing the frame when the frame is stood independently in an upright position – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Van Der Zyl and add the support leg of Ivy et al., so as to allow for the device to be capable of supporting the weight of multiple objects during use.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to fishing gear storage devices in general:

U.S. Pat. No. 4,014,466 to Wess et al. – shows fishing rod holding device

U.S. Pat. No. 4,479,322 to Koppel – shows fishing rod holding device

U.S. Pat. No. 5,203,815 to Miller – shows fishing equipment storage device

U.S. Pat. No. 6,102,217 to Mathy et al. – shows fishing equipment storage device

U.S. Pat. No. 6,250,480 to McGuinness – shows fishing rod holding device

U.S. Pat. No. 6,360,902 to Searles – shows fishing rod holding device

U.S. Pat. No. 6,487,814 to Arredondo et al. – shows fishing equipment holder

U.S. Pat. No. 6,883,267 to Pruitt – shows fishing equipment holding device

U.S. Pat. No. 6,962,354 to Miller – shows fishing equipment holding device


DE Pat. No. 3601224 – shows fishing rod holding device

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Parsley
Patent Examiner
Art Unit 3643